

**K2PG**

FEB 12 2003

131 Stafford Forge Road  
West Creek, NJ 08092-9329  
FCC - MAILROOM

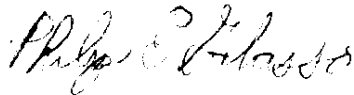
January 30, 2003

Ms. Marlene **ti.** Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Ms. Dortch:

Enclosed is a Petition for Rulemaking to amend Sections 97.111 and 97.113 of the Commission's Rules. I am enclosing the original and nine copies.

Sincerely,



Philip E. Galasso

Phone: (609) 294-9796

Fax: (609) 294-3670

E-mail: phil@k2pg.com

No. of Copies rec'd 074  
Ltr ABCDE WTB

RECEIVED & INSPECTED

FEB 12 2003

FCC-MAILROOM

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

In the Matter of: )  
)  
A Petition for Rulemaking to Amend Sections 97.111 )  
)  
and 97.113 of the Commission's Rules to Curb Certain ) RM-  
)  
Abuses in the Amateur Radio Service )  
)  
)

**Petition for Rulemaking**

**1. Background and Introduction**

I, Philip E. Galasso, have been a licensed radio amateur since September 27, 1968 and a holder of the Amateur Extra Class license since April 16, 1976, currently with the station callsign K2PG. I use most of the emission modes permitted on the amateur bands from 1800 kHz through 450 MHz. I have held the First Class Radiotelephone Operator License (now the General Radiotelephone Operator License) since 1973 and am employed as the chief operator of broadcast stations WHTG and WHTG-FM in Eatontown, New Jersey and WBHX (FM) in Tuckerton, New Jersey. I also hold a station license in the Experimental Radio Service with the callsign KA2XUK, for the purpose of exploring propagation on the 160-190 kHz band.

A Petition for Rulemaking to Amend Sections 97.111 and 97.113 of the Commission's Rules to Curb Certain

Abuses in the Amateur Radio Service

In recent years, there has been a proliferation of broadcast-type activity in the HF bands assigned to the Amateur Radio Service. Operating under the guise of “disseminating information bulletins”, these one-way transmissions tie up frequencies in the most crowded portions of the subbands allocated to voice and image emission, causing harmful interference to other communications in those bands. Current loopholes in Sections 97.111<sup>1</sup> and 97.113<sup>2</sup> allow these transmissions to continue unabated. Since other means exist for disseminating such information bulletins to licensees in the Amateur Radio Service, it appears that these “bulletin” transmissions on amateur frequencies have become obsolete. These alternate media will be discussed later.

## **2. The Bulletin Stations**

Two amateur radio stations account for most of the offending transmissions. Station K1MAN, located in Belgrade Lakes, Maine, transmits such “information bulletins” using J3E emission on 14.275 and 3.975 MHz at 0100, 0330, 0630, 1300, 1600, 2000 Eastern time. In addition, K1MAN transmits an “information bulletin” using A3E emission on 3.890 MHz at 1823 Eastern time.<sup>3</sup> All of these are busy frequencies in the most crowded portions of the 75 and 20 meter bands.

Station W1AW, licensed to the American Radio Relay League, Inc. (“ARRL”) and located in Newington, Connecticut, transmits “information bulletins” using J3E emission on 1.855, 3.990, 7.290, 14.290, 18.160, 21.390, and 28.590 MHz. These air at various times of the day and night.<sup>4</sup> Most noteworthy is the use of type J3E emission on 7.290 MHz by this station. According to the bandplan mentioned in *The FCC Rule Book — Guide to the FCC Regulations*, “7290 kHz is recognized as the AM operating frequency.”<sup>5</sup> The term “AM”, as used here, refers to type A3E emission. Obviously, the ARRL is violating a bandplan advocated in one of its own publications by transmitting J3E emission on 7290 kHz during the W1AW “bulletin” transmissions. Since J3E and A3E emission on the same frequency are incompatible with each other, the W1AW transmissions cause harmful interference to the AM enthusiasts who congregate on 7290 kHz.

### **3. Alternative Media**

Alternative media exist in abundance for disseminating information bulletins to amateur radio operators. Up to the minute information is available on the Internet on such sites as [www.qrz.com](http://www.qrz.com), [www.eham.com](http://www.eham.com), and [www.arr.org](http://www.arr.org) (American Radio Relay League, Inc.). The ARRL bulletins are **also** available via electronic mail to ARRL members who are in good standing with that organization.

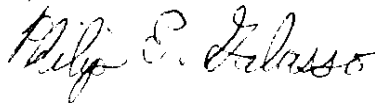
For the benefit of those who do not have access to the Internet, there is a plethora of privately owned, FCC-licensed HF broadcast stations in this country.<sup>6</sup> Most of these stations subsist by selling blocks of airtime to religious organizations, political activists, and anyone else who wants the wide coverage afforded by such stations. Perhaps those who wish to play "broadcaster" on the HF amateur bands should instead consider buying time on these commercial HF stations.

### **4. Proposed Rule Changes**

In the interest of eliminating the harmful interference and frequency clutter caused by the above mentioned "information bulletin" transmissions, Section 97.111 (b) (6) should be amended to forbid such transmissions in voice mode on amateur bands between 1.8 and 30 MHz. Section 97.113 (b) should include language that considers such transmissions to be "broadcasting" and, therefore, prohibited transmissions.

Respectfully submitted,

Philip E. Galasso



Amateur Radio Station K2PG

131 Stafford Forge Road

West Creek, NJ 08092-9329

<sup>1</sup> Section 97.111 (b) states: "In addition to one-way transmissions specifically authorized elsewhere in this Part, an amateur station may transmit the following types of one-way communications:

(6) Transmissions necessary to disseminate information bulletins;"

<sup>2</sup> 97.113 (b) states: "An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications *except as specifically provided in these rules*" (Italics supplied)

<sup>3</sup> American Amateur Radio Association, American Amateur Radio Digest — Daily Transmitting (Bulletin)

Schedule, available from the K1MAN Web site at

[http://members.aol.com/\\_ht\\_a/K1MANI4275/myhomepage/business.html](http://members.aol.com/_ht_a/K1MANI4275/myhomepage/business.html)

<sup>4</sup> W1AW Schedule, American Radio Relay League, available at <http://www.arrl.org/w1aw.html#w1awsked>

<sup>5</sup> *The FCC Rule Book — Guide to the FCC Regulations*, Page 5-6. American Radio Relay League, Inc.

<sup>6</sup> "FCC HF Stations". [http://ftp.fcc.gov/ib/sand/neg/hf\\_web/stations.html](http://ftp.fcc.gov/ib/sand/neg/hf_web/stations.html)

These stations include:

KAIJ, Dallas, Texas

KIMF, Piñon, New Mexico

KJES, Vado, New Mexico

KNLS, Anchor Point, Alaska

KTBN, Salt Lake City, Utah

KVOH, Rancho Simi, California

KWHR, Naalehu, Hawaii

WBCQ, Monticello, Maine

WEWN, Vandiver, Alabama

WHKA, Greenbush, Maine

WHRI, Noblesville, Indiana

WINB, Ked Lion, Pennsylvania

WJCR, Millerstown, Kentucky

A Petition for Rulemaking to Amend Sections 97.111 and 97.113 of the Commission's Rules to Curb Certain

WMLK, **Bethel**, Pennsylvania

WRMI, Miami, Florida

WRNO, New Orleans, Louisiana

WSHR, Furman, South Carolina

WTJC, Newport, North Carolina

WWHS, Macon, Georgia

WWCR, Nashville, Tennessee

WWFV, McCaysville, Georgia

WYFR, Okccchobee, Florida

KFBS, Northern Mariana Islands

KHBN, Medorn, Ameliik, Palau

KSDA, Agat, Guam

KTWR, Agana, Guam